



August 9, 2020

**By ECF**

Hon. Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: *Denson v. Donald J. Trump for President, Inc.*, No. 20 Civ. 4737 (S.D.N.Y.)**

Dear Judge Gardephe:

Plaintiffs submit this letter in response to Defendant's August 7, 2020, letter objecting to the motion for leave to file an amicus brief on behalf of Neal H. Klausner and Marissa L. Comart of the law firm Davis & Gilbert LLP. *See* ECF No. 30 (Defendant's letter); ECF No. 29 (motion for leave).

As the Court is well aware, the decision to grant leave to file an amicus curiae brief lies within its firm discretion. *Verizon N.Y. Inc. v. Vill. of Westhampton Beach*, No. CV 11-252 (AKT), 2014 WL 12843519, at \*2 (E.D.N.Y. Mar. 31, 2014); *Auto. Club of N.Y., Inc. v. Port Auth. of N.Y. & N.J.*, No. 11 CIV. 6746 RJH, 2011 WL 5865296, at \*2 (S.D.N.Y. Nov. 22, 2011). Courts regularly grant leave to *amici* who will help the court "reach a proper decision," even where parties "are represented by competent counsel and some of the arguments proffered in the proposed amicus brief are duplicative of those raised by [a party]." *C&A Carbone, Inc. v. Cty. of Rockland, NY*, No. 08-CV-6459-ER, 2014 WL 1202699, at \*4 (S.D.N.Y. Mar. 24, 2014).

Here, while the legal issues before the Court are straightforward, they are also of substantial national interest and importance.<sup>1</sup> Moreover, the *amici* in question, Mr. Klausner and Ms. Comart, are acknowledged experts on a controlling issue of state law before the Court—the permissible scope of restrictive covenants under New York law. Indeed, Mr. Klausner and Ms. Comart are among the co-authors of a leading treatise and regular pocket-part updates to that treatise, as well as several articles, on the subject. *See* Proposed Amicus Brief, ECF No. 29-1, at 1. In such circumstances Plaintiffs respectfully submit that the Court's consideration of the issues presented in this case would be aided by granting the proposed *amici*'s motion.

Respectfully submitted,

By: /s/ John Langford  
John Langford  
UNITED TO PROTECT DEMOCRACY, INC.  
555 W. 5th St.

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<sup>1</sup> *See, e.g.,* Michael Kranish, *Trump Long Has Relied On Nondisclosure Deals To Prevent Criticism. That Strategy May Be Unraveling*, Wash. Post, (Aug. 7, 2020), [https://www.washingtonpost.com/politics/trump-nda-jessica-denson-lawsuit/2020/08/06/202fed1c-d5ad-11ea-b9b2-1ea733b97910\\_story.html](https://www.washingtonpost.com/politics/trump-nda-jessica-denson-lawsuit/2020/08/06/202fed1c-d5ad-11ea-b9b2-1ea733b97910_story.html).



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